MT LEGISLATIVE HISTORY

Chapter 350 19 71

Bill H 457 S _____ Original bill & hist. ___C

H. Committee on Const, El, Fed Rel. S. Committee on Ed

Hearing Date(s)			Hearing Date(s)	
2-3	✓	C	2-12	✓ C
_____		C	_____	C
_____		C	_____	C
_____		C	_____	C
Date Out _____		C	_____	C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Constitution, Elections & Federal Relations COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
H.B 397 Keller	Amendment to the election law pertaining to cancellation of registration for failure to vote	1/21/71	2/1/71		2/3/71	Do Pass (As Amended)	Sent to Governor 2-27-71
H.B 404 Burdenski	Relating to no party designation for candidates for judicial office	1/21/71	2/3/71		2/3/71	Do Not Pass	Killed 2-4-71
H.B 410 Hall	To delete the provision that a person may not obtain or lead resolutions while serving in the legislature	1/21/71	2/3/71	Sponsor withdrew	2/8/71	Do Pass	Enrolling 3-2-71
H.B 453 Jones	To change age requirements to 18	1/21/71					Enrolling 3-2-71
H.B 457 Christensen	Providing for educational opportunity at university system units for Indian students	1/21/71	2/3/71	Amended to include provisions of SB 311		Do Pass as Amended	Conference Committee 3-2-71
H.B 478 Jones	To require County by County Compilation of persons reading votes cast by the Montana Highway Patrol	1/21/71	2/3/71	Amended on line 23 after the word "shall" strike the remainder of the sentence and insert "certify the votes cast thereon"	2/3/71	Do Pass as Amended	Sent to Governor 2-27-71
H.B 520 Garfield	To include election clerks in section regarding appointment & instruction of election judges.	1/21/71	2/3/71		2/3/71	Do Pass	Sent to Governor 2-27-71

February 3, 1971
Proceedings of the

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS COMMITTEE

The Chairman called the meeting to order at 10:30 a.m. The secretary called the roll: nine members present, Representatives Brown, Mather, Hall and Lynch were absent.

HOUSE BILL 478: Rep. Tom Towe, District 9, Chief Sponsor, states this bill is a minor amendment to the codes. The law allows the Highway Patrol to submit lists of all the voters who have attained voting age to the Exec. Sec. of each major political party. It is desired that this be on a county by county basis and since this involves party politics it should therefore come for the legislative assembly.

PROPONENTS: David E. Fuller, Ex. Sec. to the Democrat Party.
Al Wharton, Ex. Sec. to the Republican Party.

Proponents felt the lists as now compiled are not off much value and should be a county by county compilation. They stated that costs for preparing these lists are about the same and no additional monies would be involved. Mr. Wharton proposed an amendment on line 23 to strike the word "or" following the word "election" and insert in lieu thereof the words "and those".

HOUSE BILL 404: Rep. Francis Bardanouve, District 10B, Chief Sponsor stated that this bill asks that candidates for judge be on a partisan basis rather than independent. He said there is no such thing as independent and this would let the people know the philosophy of the candidates. He feels the present non-partisan system makes a judge beholden to lawyers who put up campaign monies for the judges they would like elected.

OPPONENTS: Supreme Court Judge James Harrison
Supreme Court Judge Gene B. Daly

Opponents felt the judiciary should be divorced from politics as much as is possible. They hoped that when the Constitutional Convention meets a different method of selection of judges would be provided for.

HOUSE BILL 457: Rep. Christiansen, District 8, Chief Sponsor, stated this legislation calls for cancellation of fees for Indian students at the university system without limiting the number of students who may avail themselves of this provision. This would amount to about $75 per quarter and would be a supplement to other scholarships they may have. He asked to have his bill amended to conform with a bill which has been introduced in the Senate.

PROPONENTS: Mr. Earl J. Barlow, Department of Public Instruction
Mr. Harold Boyd, Coordinator of Indian Affairs
Mr. Tom McDonald

Proponents said the Indians student going to college is under a financial stress of $400 less than what it takes to go and this $75 fee waiver would help them a great deal. Committee members

inquired of the proponents how the amount of Indian blood was determined. They responded that it was determined by the tribal council and in the case of the landless Indians, the Bureau of Indian Affairs supplied them with an affidavit.

HOUSE BILL 520: Rep. Bill Warfield, District 14, Chief Sponsor, said this bill provides for the appointment of election clerks the same as election judges from lists submitted from the two major political parties. They would also have to go to a training school for elections judges and obtain a certification.

PROPONENT: Frank Kurshka, Glacier County.

Mr. Kurshka stated that this would clearly define the problem and obligate the county commissioners to make these appointments. It would cost Glacier County about $90 every two years.

HOUSE BILL 298: Rep. Harrison Fagg, District 9, Chief Sponsor, introduced Bob Taylor, Geographer from the University System, who displayed a precinct map establishing precinct boundaries. It was stated that theese are legal boundaries. The bill provides for establishment of precincts, boundary changes, certification of changes, and precinct maps drawn on a general highway map.

EXECUTIVE SESSION:

HOUSE BILL 298: Rep. Forester moved Do Pass. Motion carried - DO PASS

HOUSE BILL 404: Rep. Ainsworth moved Do Not Pass. Motion carried - DO NOT PASS.

HOUSE BILL 437: Rep. Fagg moved to amend in accordance with the wish of the Chief Sponsor, Rep. Christiansen. Motion carried. Rep. Fagg moved to Do Pass as Amended. Motion carried. DO PASS AS AMENDED.

HOUSE BILL 478: Rep. Forester moved to amend, motion carried. Rep. Menahan moved Do Pass as Amended. Motion carried - DO PASS AS AMENDED.

HOUSE BILL 520: Rep. Menahan moved do pass. Motion carried - DO PASS

HOUSE BILL 272: Rep. Forester moved to reconsider this bill, motion carried. Rep. Forester moved moved adoption of an amendment. Motion carried. Rep. Forester moved Do Pass as Amended. Motion carried. DO PASS AS AMENDED.

HOUSE BILL 177: Rep. Forester moved that the substitute bill body be reproduced for committee consideration at the next meeting. Motion carried.

The meeting adjorned at 12:15 p.m.

Marie Hensleigh, Secretary

TOM HAINES, CHAIRMAN

☒ DO PASS AS AMENDED
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 4 19 71

MR. ~~PRESIDENT~~ SPEAKER:

We, your committee on CONSTITUTION, ELECTIONS & FEDERAL RELATIONS

having had under consideration HOUSE Bill No. 457

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 75-8705, R.C.M., 1947, PROVIDING FOR EDUCATIONAL OPPORTUNITY AT UNIVERSITY SYSTEM UNITS FOR INDIAN STUDENTS OF AT LEAST ONE-QUARTER (1/4) DEGREE INDIAN BLOOD."

Be amended in the title of the introduced bill on line 8, after the word "FOR" by inserting the word "MONTANA", and

Further amend in section 1, line 16, after the word "more" by inserting the following material "and are bona fide residents of the State of Montana for at least one (1) year prior to enrollment in the Montana University system," and

Further amend line 18, after the word "school" by deleting the following words "in Montana;", and

Further amend lines 19 and 20, after the word and punctuation "habits," by deleting the following material "and with the recommendation of the board", and

Respectfully report as follows: That Bill No.

Further amend line 20, after the word "the" by inserting the word "University" and further amend on lines 20 and 21, by deleting after the word "system" on line 20 material "for four (4) years", and the following

Further amend on line 24, after the number and punctuation "(2)" by deleting the material "The board" and inserting the following words "Each unit", and

Further amend on lines 26 and 27, by deleting the material "(a) The state superintendent of public instruction is the agent of the board in carrying out these provisions;"

DO PASS

House Committee Report Form

Chairman.

1971

Senate

Education

[redacted]

COMMITTEE ON EDUCATION

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	
HB 163	2/16/71	2/17/71				X			
HB 166	1/27/71	2/19/71					X		
HB 171	1/27/71	2/19/71				X			
HB 175	1/27/71	2/19/71				X			
HB 178	1/29/71	2/15/71				X			
HB 218	1/27/71	2/19/71				X			
HB 220	2/3/71	2/19/71				X			
HB 221	2/3/71	2/19/71				X			
HB 296	2/3/71	2/17/71				X			
HB 360	2/8/71	2/23/71				X			
HB 363	2/10/71	2/20/71				X			
HB 364	2/13/71	2/20/71				X			
HB 446	2/17/71	2/23/71				X			
HB 455	2/12/71	2/23/71					X		
HB 457	2/11/71	2/15/71					X		
HB 463	2/10/71	2/15/71						X	
HB 464	2/10/71	2/15/71						X	
HB 466	2/12/71	2/20/71				X			
HB 468	2/10/71	2/15/71						X	
HB 481	2/4/71	2/20/71				X			
HB 551	2/12/71	2/19/71				X			
HB 553	2/12/71	2/17/71				X			
HB 556	2/10/71	2/22/71				X			

☐ DO PASS

House Bill No. 457 Senate Bill No. 311

A meeting of the Education Committee was called to order on February 12 by Chairman Cotton at 12:40 p.m. in room 402. The secretary called the roll, with all members present except Senators James, Lynch, Mathers, and Rugg.

House Bill #457 - Providing for educational opportunities at University System units for Indian students. This bill was considered in conjunction with Senate Bill #311 since they are both practically the same. After discussion, it was decided to amend the House bill as follows:

Amend Section 1, page 1, line 23 of the original bill following the word "showing" by inserting the words "financial need and"; further amend Section 1, Sub-section (a), page 1, lines 27 and 28 of the original bill by inserting the following words, figures, punctuation and underlining "(a) The number of Indians chosen each year shall not exceed one hundred fifty (150)."

Senator Carl moved adoption of the amendments. Senator Boylan seconded the motions, and they were carried.

Senator Gilfeather moved that House Bill 457 BE CONCURRED IN AS AMENDED, with Senator Carl seconding the motion. The motion was passed.

Senator Brownfield made a motion that Senate Bill 311 DO NOT PASS. It was seconded by Senator Boylan and carried.

The meeting adjourned at 12:50 p.m.

Cotton

SENATOR COTTON, Chairman

☐ DO PASS
☐ DO NOT PASS
☒ BE CONCURRED IN AS AMENDED
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 12 19 73

MR. PRESIDENT:

We, your committee on EDUCATION

having had under consideration HOUSE Bill No. 457

75-8705

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 75-8705, R.C.M. 1947, PROVIDING FOR EDUCATIONAL OPPORTUNITY AT UNIVERSITY SYSTEM UNITS FOR MONTANA INDIAN STUDENTS OF AT LEAST ONE-QUARTER (1/4) DEGREE INDIAN BLOOD."

Respectfully report as follows: That HOUSE Bill No. 457

Be amended as follows:

Amend Section 1, page 1, line 23 of the original bill following the word "showing" by inserting the words "financial need and"

Further amend Section 1, Sub-section (a), page 1, lines 27 and 28 of the original bill by inserting the following words, figures, punctuation and underlining "(a) The number of Indians chosen each year shall not exceed one hundred fifty (150)."

AND AS AMENDED BE CONCURRED IN

DO NOT PASS

House Committee Report Form

Chairman.

aminer May Charge, and Such Audit Fee Deposited to the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-6323, R.C.M. 1947, is amended to read as follows:

Schools may establish extracurricular funds.

"75-6323. **Extracurricular fund for pupil functions.** The government of the pupils of the school within a district or the administration of a school on behalf of the pupils may establish an extracurricular fund for the purposes of the receipts and expenditures of money collected for pupil extracurricular functions with the approval of the trustees of the district. All extracurricular monies of any pupil organization of the school shall be deposited and expended by check from a bank account maintained for the extracurricular fund.

Deposit.

Expenditure.

Accounting.

An accounting system for the extracurricular fund recommended by the state examiner shall be implemented by the trustees. Such accounting system shall provide for: (1) the internal control of the cash receipts and expenditures of the money; and

Internal control.

General account.

(2) a general account that can be reconciled with the bank account for the extracurricular fund and reconciled with the detailed accounts within the extracurricular fund maintained for each student function.

Annual audit.

The trustees of the district shall cause an annual audit of the extracurricular fund by retaining a qualified accountant or the state examiner to perform such audit. Whichever person the trustees wish to retain, they shall notify the state examiner of their decision by the first day of January of the school fiscal year to be audited. If the state examiner performs the audit, a fee of *eighty dollars ($80)* per day per man shall be paid from the extracurricular fund or district monies to the state examiner for deposit in the state treasury *to the credit of the general fund.*

State examiner fee—$80 per day per person.

Filing.

The auditor shall file a certified copy of the audit report with the county superintendent. The county superintendent shall publish notice in a newspaper of the district or county of the filing and the fact that it is open to public inspection."

Publication.

Approved March 15, 1971

CHAPTER NO. 350

An Act Amending Section 75-8705, R.C.M. 1947, Providing for Educational Opportunity at University System Units for Montana Indian Students of at Least One-Quarter (¼) Degree Indian Blood.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-8705, R.C.M. 1947, is amended to read as follows:

Persons of one-fourth Indian blood —enrollment in university system.

"75-8705. **Indians — nonpayment of fees.** (1) Persons of one-fourth (1/4) Indian blood or more *and are bona fide residents of the state of Montana for at least one (1) year prior to enrollment in the Montana University system,* completing a four (4) year course of an accredited high school or federal Indian school showing *financial need* and evidence of studious and industrious habits, may enroll in the *University* system without the payment of fees.

Need.

No fees required.

Rules for selection.

(2) *Each unit* shall make rules governing the selection of these students."

Approved March 15, 1971

CHAPTER NO. 351

An Act Amending Section 75-8511, R.C.M. 1947, By Deleting Sections (3) and (4) in Their Entirety.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-8511, R.C.M. 1947, is amended to read as follows:

Meetings—local executive boards.

"75-8511. **Powers of local executive boards.** Each local executive board shall: (1) Meet at least *once* in each quarter, and oftener if required.

Duties.

(2) Have such immediate direction and control, other than financial, of the affairs of the respective units as may be conferred by the regents."

Approved March 15, 1971.